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Remarks

The present response is to the Office Action mailed in the above-referenced case on January 8, 2004. Claims 1-5 and 7-11 are presented below for examination. The Examiner has objected to claims 2 and 3 due to informalities. In response applicant herein slightly amends claim 3 to overcome the Examiner's objection.

The Examiner has maintained the previous rejection of claims 1-5 and 7-11 under 35 U.S.C. 103(a) as being unpatentable over Nazem, in view of Nehab, Gershman and Rao. Claims 1-5 and 7-11 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (US 6,006,333), hereinafter Nielsen, in view of Franco et al. (US 6,687,745), hereinafter Franco.

Applicant has again reviewed the prior art of record, and has carefully studied the newly presented prior art references, and the Examiner's rejections and statements of the instant Office Action. In response applicant presents further argument that not all of the limitations of applicant's base claims are anticipated in the combined prior art presented.

Applicant previously argued that the reference of Gershman fails to teach retrieving, storing and summarizing financial information that is proprietary to the subscribing users, and that the "personal" aspects of the system/service relate to the personal information stored in the user's profile. The Examiner kindly responds in the Response to Arguments section of the instant Office Action that the information retrieved by Gershman is proprietary in that it uses trusted agents that err on the side of privacy of information, rather than on the side of stimulation of commerce, and that the third-party services of Gershman include "personal finance", and one of ordinary skill would have realized that this would have included online banking.

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Applicant argues, however, that the fact that Gershman teaches the use of "trusted" agents, which may err on the side of privacy of information, rather than on the side of stimulation of commerce, certainly does not express or indicate that proprietary financial information is retrieved, stored and summarized for the user, as taught and claimed by applicant. The agents of Gershman are "trusted" to carry out the many various tasks on behalf of the subscribing user, such as going online to pay bills, filtering content and e-mails, and so on, but the information retrieved and stored by the agents on behalf of the subscribing user is not owned solely by the subscribing user; rather, it is simply information, some of which may be personal to the subscribing user, but which may also be viewed and utilized by others who are not "trusted". Because the agent of Gershman is able to go online and pay bills, for example, for the subscribing user, without retrieving financial information proprietary to the subscribing user, or storing the retrieved financial information at the portal according to preprogrammed criteria, and summarizing the retrieved information for delivery to the subscribing users, is testament to this fact.

Applicant believes the Examiner, in his interpretation of the teachings of Gershman, reads more into the teachings than is actually provided by the reference, and for the reasons outlined above by applicant, Gershman still fails to read on the specific limitations of applicant's claims pertaining to proprietary financial information, and the Examiner's reliance on Gershman, in combination with the remaining references, to read on applicant's base claims is improper.

The Examiner has further rejected claims 1-5 and 7-11 as being unpatentable over Nielsen, in view of Franco. The Examiner has stated that, regarding claim 1, Nielsen substantially discloses the limitations of applicant's claim, with the exception that is not expressly disclosed that the information maintained, retrieved, and summarized is financial information. The Examiner provides the reference of Franco for teaching this deficiency.

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Applicant has carefully studied the newly presented references of Nielsen and Franco, and argues that the references, either singly combined, still fail to produce applicant's invention as claimed. Applicant argues that not only does Nielsen fail to teach that the information is financial information, Nielsen also fails to teach that the information is information proprietary to the subscribing user. Nielsen discloses (col. 1, lines 63-65) that users subscribe to Web sites, but that certainly does not expressly indicate that the information on those Web sites is proprietary to the users. Simply having a subscription for accessing information contained in a Web site does not render said information proprietary to the user. Much of the information accessed by the subscribing user is information accessible to others visiting the Web sites, without authorization, therefore the information is clearly not proprietary to the users.

The Examiner has relied on the reference of Franco for teaching portal software executing on the server, including a summary software agent, wherein the portal software maintains proprietary financial accounts for users (Fig. 4A). Applicant respectfully points out to the Examiner, however, that Franco does not teach maintaining proprietary financial accounts in this illustration or description in the specification. The illustration simply depicts a computer display screen which is displaying an interaction window wherein the user may track stock trading and activity. The example is only used for illustrating a drag and drop operation in accordance with the invention. The Examiner has stated that, regarding Fig. 4A, the software of Franco "maintains" "proprietary financial accounts" in that it keeps information about stocks owned by the user, "retrieves" "proprietary financial information" in that it displays the user's stock portfolio and trading orders, and "summarizes" the retrieved information in that it displays only those stocks chosen for display by the user for the purpose of providing links to remotely stored information.

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Upon careful review of Franco, particularly the portions cited and applied by the Examiner, applicant argues that, firstly, Franco does not "maintain" any financial account proprietary to the user. The Stock Watcher Application 100 of Fig. 4A upon is simply used to illustrate the "droplet" application enabling the user to create the interactive interface in the display window for accessing the remote information. Further, the remote information displayed for access by application 100 is not information that is financial information proprietary to the user. Still further, the Examiner's contention that the stocks displayed by application 100 of Fig. 4A are owned by the subscribing user is conjecture on the Examiner's part. There is no specific disclosure or suggestion anywhere in the specification that the stocks displayed by application 100 are solely owned by the subscribing user, i.e. part of the user's stock portfolio. The displayed information does not constitute "proprietary financial accounts"; rather, the displayed information is simply the stock symbols, current stock values, and other information pertaining to each stock symbol. The information is not proprietary to the subscribing user, because it is also viewable by other stock traders, utilizing other means of accessing the data, who may be tracking the same stocks.

Still further to the above, the software taught by Franco does not "retrieve" "proprietary financial information" because the stock information displayed by application 100 of Fig. 4A is not specifically taught to be the user's stock portfolio and trading orders. Franco, therefore also fails to teach "summarizing" "proprietary financial information" because the information "summarized" by application 100 is simply a listing of stock symbols chosen by the user, and the current value and other information pertaining to each. There is no indication whatsoever that the stocks displayed are owned by the user, and the information therefore cannot be construed as "proprietary financial information".

Applicant believes in view of the above arguments presented herein, claims 1 and 7 are clearly and unarguably patentable as last amended over either

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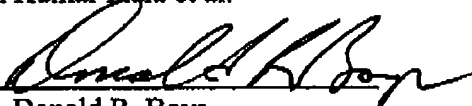
combination of references relied on by the Examiner in this case, as neither combination produces applicant's claimed limitations of maintaining, retrieving, storing or summarizing financial information that is proprietary to the subscribing user. Claims 2-6 and 8-10 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims as argued above are patentable over the art of record, applicant respectfully requests reconsideration and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,

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